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What You Should Do When an OSHA Inspector Arrives at Your Worksite

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1. **Initial Contact with the Compliance Officer ("CO")**
    1. Maintain control of the situation: the initial moments of the inspection can be very important.
        1. Stay calm/maintain your "cool."
        2. Ask to see the CO's credentials/verify if necessary.
        3. Inform the appropriate management officials.
        4. Have the CO wait in an appropriate location.
        5. Notify your attorney.
        6. Ask the CO to wait until the appropriate management officials and attorney have arrived before conducting the inspection.
        7. Rectify any readily "fixable" violations before the inspection begins.
2. **The Opening Conference**
    1. Request an "opening conference."
    2. The purpose of the opening conference is to find out:
        1. What OSHA rules the CO believes may have been violated.
        2. The scope of the proposed tour of your worksite-stay focused.
        3. Which records the CO wishes to inspect and to discuss safeguarding your trade secrets, if any.
    3. Consider whether to request a search warrant.
        1. In general, an employer has the right to request a search warrant from the CO before allowing the inspection to proceed; however, requesting a search warrant could backfire on the employer.
        2. If the CO already has a search warrant:
            1. Ask for copy of the warrant and review it.
            2. Do not consent to the scope of the inspection.
            3. Obtain copies of all documents taken.
3. **The Inspection**
    1. Accompany the CO on the "tour" of the worksite by utilizing at least two appropriate management personnel.
    2. Restrict the scope of the tour-use the most direct route to avoid "plain view" citations. Do not let inspector wander around.
    3. Stay calm during the inspection.

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4. Answer questions truthfully, but do not volunteer information.
5. Produce basic documents the CO requests, unless privileged, and keep copies of all documents provided. If the document request is more extensive, ask for a reasonable period of time to produce them.
6. Do not falsify or destroy documents.
7. to limit photographs or videos, but photograph or video the same items/areas as the CO.
8. Take notes during the inspection and transcribe them immediately after the inspection.
9. CO will likely interview supervisory and non-supervisory employees.
    1. Accompany the supervisory employees during the interview; non-supervisory employees will be interviewed privately by CO. Advise employees they have the right to talk to, or not talk to, the CO.

4. **The Closing Conference**
    1. The CO should outline any probable OSHA violations and inform the employer of its right.
    2. Find out what specific OSHA standards the CO believes have been violated.

Ten Dos and Don'ts When an OSHA Inspector Knocks at Your Door

1. Be as prepared as possible.
2. Find out why the inspector is there.
3. Do not volunteer information.
4. Identify a single spokesperson.
5. Cooperate and do not (generally) insist on a warrant.
6. Stay with the inspector at all times.
7. Conduct a closing conference with the inspector.
8. Do not retaliate against complaining employees.
9. Negotiate penalties and abatement issues with the OSHA area director.
10. Contest citations and petition to modify abatement (PMA) if appropriate.

To appropriately manage OSHA issues which arise in your organization, contact your Reinhart attorney.

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